

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

v.

**GREG ABBOTT, IN HIS
CAPACITY AS GOVERNOR OF
THE STATE OF TEXAS; AND
THE STATE OF TEXAS,**

Defendants

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No. 1:23-CV-00853-DAE

ORDER

In the lead-up to their August 6, 2024, trial date, the parties filed a flurry of motions challenging each other’s experts and raising lingering discovery disputes. *See* Dkts. 130, 159, 160, 170 (*Daubert* motions); Dkts. 126 (and its companion motion to strike at Dkt. 136), 133, 164, 172, 185. The District Judge referred the motions to the undersigned for disposition. In the interest of deciding these disputes within the accelerated trial schedule, the Court set the motions, 10 in all, to be heard and ruled on in a single hearing. Dkt. 145 (order setting hearing); Dkt. 167 (order setting briefing schedule for remaining motions). After considering the parties’ filings, the applicable law, and the arguments made at that hearing, the Court announced its rulings, and the reasons for them, on the record. This written order memorializes those rulings.

For the reasons stated on the record, the Court **DENIES** each of the parties’ *Daubert* motions, which appear on the docket at entries 130, 159, 160, and 170.

As for the parties' remaining discovery disputes, for the reasons stated on the record, the Court rules as follows:

U.S. Motion for Protection re 30(b)(6) Topics, Dkt. 126, and the State's Motion to Strike the U.S.'s Motion, Dkt. 136: Based on the parties' representations at the hearing and in their Joint Advisory, Dkt. 189, the Court **DENIES AS MOOT** both motions.

State's Motion to Compel re U.S. Interrogatory Responses, Dkt. 133: Based on the parties' representations at the hearing and in their Joint Advisory, Dkt. 189, the sole remaining dispute in this motion relates to the U.S.'s failure to respond to Interrogatories 17 and 19. The Court **OVERRULES** the U.S.'s objections to these interrogatories, **GRANTS** the State's motion to compel responses to them, and **ORDERS** the U.S. to respond to these interrogatories within 7 days of this order. The U.S. may limit its responses to responsive information from January 1, 2018, to the present.

U.S. Motion to Compel re the State's Communications with Its Experts, Dkt. 164: The Court **GRANTS IN PART and DENIES IN PART** the U.S.'s motion and **ORDERS** the State to produce to the U.S., consistent with the instructions given on the record, redacted copies of (1) the email its attorneys sent to its experts transmitting a proposed expert-report outline, and (2) the attached outline. The State shall produce these materials to the U.S. no later than 5:00 p.m. Central Daylight Time on Monday, July 29, 2024.

State's Motion to Compel Additional Deposition Testimony from Justin Peters,

Dkt. 172: The Court **DENIES** the State's motion.

State's Amended Motion to Compel re IBWC Communications, Dkt. 185: The Court **DENIES** the State's motion.

SIGNED July 25, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE